

REMARKS

Claims 9-16, and 26-38 are cancelled without prejudice to their prosecution in any continuation or divisional application. New claims 42-71 have been added. Claims 42, 43, 50, and 57-62 are supported by claims 1-5 and 17-22 as originally filed. Claims 44-46, 51-53, and 63-65 are supported by the specification at page 28, line 26 to page 29, line 5, and by Figs. 6(E) and 6(F). Claims 47, 54, and 66 are supported by Fig. 6(C). Claims 48, 55, and 67 are supported by Fig. 6(D). Claims 49, 56, and 68 are supported by Fig. 6(B). Claims 69-71 are supported by the specification at page 8, lines 22-25, and page 13, lines 22-24. No new matter has been added. Upon entry of this amendment, claims 1-5, 17-22, and 42-71 are active and present in the application.

Request for Reconsideration

The rejection of claims 1-5 and 17-22 under 35 U.S.C. § 103 over U.S. Pat. No. 6,890,719 to Lu et al. ('719 patent) in view of U.S. Pat. No. 6,361,944 to Mirkin et al. (Mirkin et al.) and PCT Publication No. WO2004/081235 to Lu et al. ('235 WO publication) is respectfully traversed. The '719 patent and the '235 WO publication are not prior art against the present application, because they do not qualify as prior art.

The present application was filed January 13, 2004, and lists Yi Lu and Juewen Liu as inventors. The '719 patent was originally published as U.S. Patent Application Publication US 2004/0023216 on February 5, 2004, and lists Yi Lu and Juewen Liu as inventors. The '235 WO publication was published on September 23, 2004, and lists Yi Lu and Juewen Liu as inventors.

Neither reference was available to the public more than one year prior to the filing date of the present application, since the present application was filed January 13, 2004, and the '719 patent was published February 5, 2004 and the '235 WO publication was published September 23, 2004. Thus, neither reference qualifies as prior art against the present application under 35 U.S.C. § 102(b). Furthermore, the inventors of the '719 patent and the '235 WO publication are identical to the inventors of the present application, and therefore these references are not by "another" and cannot qualify as prior art under 35 U.S.C. §§ 102(a), (c), (d), (e), (f) or (g).

The rejection of the claims as obvious over the '719 patent in view of Mirkin et al. and the '235 WO publication is respectfully traversed. The '719 patent and the '235 WO publication are not available as prior art against the present application. Mirkin et al. does not teach or suggest each limitation of the claims, and thus cannot support a prima facie case of obviousness. Withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the application is in condition for allowance. Early notice of such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel W. Celandier", written in black ink.

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